

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31365 of 2020**

Arising Out of PS. Case No.-31 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Siwan

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BINOD CHAUDHARY S/o Sheonath Chaudhary Resident of Village-
Bahadurpur, Police Station-Jamo, District-Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raghav Prasad
For the Opposite Party/s : Mr. Anita Kumari Singh

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 23-12-2020

The present petition has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of COVID-19 Pandemic.

Heard the learned counsel for the petitioner and Ms. Anita Kumari Singh, the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Excise case no. C-III-31 of 2020 registered for the offences punishable under Section 30(a) of Prohibition and Excise Act, 2016 (hereinafter referred to as ‘the Act, 2016’).

The allegation is regarding recovery of 04 liters of illicit liquor from a tea shop.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the



present case and is having a clean antecedent. The learned counsel for the petitioner, by referring to paragraph no. 7 of the present petition, has submitted that the petitioner has got nothing to do with said hut in question, hence the provisions of the Act, 2016 are not attracted.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the fact that the hut/ tea shop in question does not belong to the petitioner, I find that *prima facie* no case is made out under the provisions of the Bihar Prohibition and Excise Act, 2016, as far as consideration of the present bail petition is concerned, thus the bar of Section 76(2) of the Act, 2016 shall not be an impediment for the purposes of grant of anticipatory bail to the petitioner herein, as such, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail. Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-



Special Judge, Excise, Siwan in connection with Excise case no.
C-III-31 of 2020 subject to the conditions as laid down under
Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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